

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

MARY HOLMES, L.V., and
EMPOWER MISSOURI,

Plaintiffs,

V.

ROBERT KNODELL, in his official
Capacity as Acting Director of the
Missouri Department of Social Services,

Defendant.

Case No. 2:22-cv-04026-MDH

DEFENDANT'S MOTION TO DISMISS

Defendant, Acting Director Robert Knodell, in his official capacity, by and through counsel, moves this Court to dismiss this case because the Court lacks subject matter jurisdiction over the current claims and because the Plaintiffs have failed to state a claim upon which relief can be granted. Defendants will file, contemporaneously with this Motion, its suggestions in support. In support, Defendant states as follows:

- 1) Plaintiff's L.V. and Holmes's claims are moot at this point.
- 2) Plaintiff Empower Missouri lacks standing to bring this suit.
- 3) Plaintiff Empower Missouri fails to state a claim upon which relief can be granted in regards to Counts I, II, and IV.
- 4) As to Count III, Plaintiffs fail to state a claim when they fail to allege a deprivation of a cognizable interest.

5) As to Count IV, Plaintiffs fail to state a claim that the Defendant has discriminated against the Plaintiffs on the Basis of their disability.

WHEREFORE, for the reasons stated, Defendant respectfully requests this Court enter an Order dismissing Plaintiff's complaint.

Respectfully submitted,

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of April, 2022, I electronically filed the foregoing, with the Clerk of the Court's ECF system, which sent notification to counsel of record for Plaintiffs.

/s/ Gerald M. Jackson
Gerald M. Jackson
Assistant Attorney General